

AO 257 (Rev. 6/78)

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT
 BY: ☐ COMPLAINT ☒ INFORMATION ☐ INDICTMENT
☐ SUPERSEDING
OFFENSE CHARGED
 16 U.S.C. Secs. 3372(a)(1); 3373(d)(2) --
 Commercial Activity in Illegally Sold Wildlife

 16 U.S.C. Secs. 1538(a)(1)(E); 1540(b)(1) --
 Endangered Species Act

☐ Petty
☒ Minor
☐ Misdemeanor
☐ Felony
PENALTY:
 1 year imprisonment, \$100,000/count, 1 year supervised release,
 and special assessment of \$25
E-filing**PROCEEDING**
 Name of Complainant Agency, or Person (& Title, if any)
 NOAA

☐ person is awaiting trial in another Federal or State
 Court, give name of court

☐ this person/proceeding is transferred from another
 district per (circle one) FRCrP 20, 21 or 40. Show
 District

☐ this is a reprosecution of
 charges previously dismissed
 which were dismissed on
 motion of:

☐ U.S. Att'y ☐ Defense

☐ this prosecution relates to a
 pending case involving this same
 defendant

☐ prior proceedings or appearance(s)
 before U.S. Magistrate regarding
 this defendant were recorded under
SHOW
DOCKET NO.MAGISTRATE
CASE NO.
 Name and Office of Person
 Furnishing Information on
 THIS FORM

Joseph P. Russoniello

☒ U.S. Att'y ☐ Other U.S. Agency

 Name of Asst. U.S. Att'y
 (if assigned)

Stacey Geis

 Name of District Court, and/or Judge/Magistrate Location
 NORTHERN DISTRICT OF CALIFORNIA
DEFENDANT - U.S.

United States v. James Saunders

MAG

DISTRICT COURT NUMBER

CR 08**0724****DEFENDANT****IS NOT IN CUSTODY**

- 1) ☒ Has not been arrested, pending outcome this proceeding.
 If not detained give date any prior summons
 was served on above charges
- 2) ☐ Is a Fugitive
- 3) ☐ Is on Bail or Release from (show District)

FILED

OCT 16 2008

IS IN CUSTODY

- 4) ☐ On this charge
- 5) ☐ On another conviction
- 6) ☐ Awaiting trial on other charges
- Richard W. Wiering
 Clerk, U.S. District Court
 Northern District of California
- ☐ Fed'l ☐ State

If answer to (6) is "Yes", show name of institution

 Has detainer
 been filed?

☐ Yes
☐ No

 If "Yes"
 give date
 filed

**DATE OF
 ARREST**

Month/Day/Year

Or... if Arresting Agency & Warrant were not

Month/Day/Year

**DATE TRANSFERRED
 TO U.S. CUSTODY**
☐ This report amends AO 257 previously submitted
ADDITIONAL INFORMATION OR COMMENTS**PROCESS:**
☐ SUMMONS ☒ NO PROCESS*

☐ WARRANT Bail Amount:

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

 *Where defendant previously apprehended on complaint, no new summons
 or warrant needed, since Magistrate has scheduled arraignment

Date/Time:

Before Judge:

Comments:

JOSEPH P. RUSSONIELLO (CABN 44332)
United States Attorney

FILED
OCT 16 2008
FEDERAL BUREAU OF INVESTIGATION
CLERK OF U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

E-filing

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

MAG

UNITED STATES OF AMERICA,

Plaintiff,

v.

JAMES SAUNDERS,

Defendant.

No.: **CR 08**
VIOLATIONS:

0724

16 U.S.C. §§ 3372(a)(1); 3373(d)(2) –
Commercial Activity in Illegally Sold
Wildlife; 16 U.S.C. §§ 1538(a)(1)(E),
1540(b)(1) – Endangered Species Act

SAN FRANCISCO VENUE

INFORMATION

The United States Attorney charges that at all times relevant to this Information:

THE PROTECTION OF ENDANGERED WHALES

1. The Lacey Act, 16 U.S.C. § 3371 *et seq.*, makes it unlawful for a person to import, export, transport, sell, receive, acquire or purchase wildlife that has been taken, possessed, transported, or sold in violation of, or in a manner unlawful under, any wildlife-related law, treaty or regulation of the United States. 16 U.S.C. §§ 3372(a)(1). The term “fish or wildlife” means any wild animal “alive or dead,” including any wild mammal and “any part...thereof.” 16 U.S.C. § 3371(a).

2. The Endangered Species Act makes it unlawful to deliver, receive, carry, transport,

INFORMATION (SAUNDERS)

1 or ship, in interstate or foreign commerce in the course of a commercial activity, any
2 species of fish or wildlife listed as endangered. 16 U.S.C. § 1538(a)(1)(E). The term
3 “fish or wildlife” means any member of the animal kingdom, including any mammal, and
4 included “any part...thereof, or the dead body or parts thereof.” 16 U.S.C. § 1532(8). The
5 Act also prohibits the sale or offer for sale of endangered species in interstate or foreign
6 commerce, and the violation of any regulation pertaining to endangered species. 16
7 U.S.C. §§ 1538(a)(1)(F) and (G).

8 3. Beginning on or about June 2, 1970, and continuing through the present, the Sperm
9 whale (*Physeter macrocephalus*) has been listed as an endangered species of wildlife. 50
10 C.F.R. §17.11(h).

11 4. The United States entered into the Convention on International Trade in
12 Endangered Species of Wild Fauna and Flora on July 1, 1975. The Convention is known
13 as “CITES” and is referred to below alternately as “CITES” and “the Convention.”

14 5. Under CITES, species are protected according to a classification system known as
15 “appendices.” The appendices provides a sliding scale of protection, with Appendix I
16 providing the highest level of protection. Wildlife species listed on Appendix I of CITES
17 were those threatened with extinction. Regulations strictly limits trade in these species to
18 exceptional circumstances.

19 6. In order to import any wildlife species listed in Appendix I of CITES into the
20 United States during the period relevant to this information, regulations required that the
21 specimen’s country of origin issue a valid “foreign export permit,” and that the importer
22 obtain a valid “import permit” from the United States Fish and Wildlife Service
23 (“USFWS”). In cases where a specimen was transhipped through another country before
24 entering the United States, the importer also had to obtain a valid “foreign re-export
25 certificate” issued by the country of re-export. 50 C.F.R. § 23.12(a)(1)(I).

26 7. Beginning on or about February 4, 1977, and continuing through the present, the
27 Sperm whale has been listed in Appendix I of CITES. 50 C.F.R. §23.23(f).

28 8. The Endangered Species Act implemented the provisions of CITES by making it

unlawful to engage in trade in wildlife contrary to the provisions of CITES or pertinent federal regulations, or to possess any wildlife so traded. 16 U.S.C. § 1538(c)(1); 50 C.F.R. §23.11(a), (b)(1). "Trade," in this context, includes importation into the United States.

THE BUSINESS OF TRAFFICKING IN DEAD ANIMAL PARTS OF ENDANGERED SPECIES

9. Starting at a date unknown, but no later than 2002 and continuing into 2006, defendant JAMES SAUNDERS began and maintained an association with a Ukrainian national. Over the course of several years, this Ukrainian national supplied defendant SAUNDERS with teeth extracted from Sperm whales by shipping them from the Ukraine to the United States. Defendant SAUNDERS would then assist in the sale of these Sperm whale teeth to merchants, several of whom specialized in an art form known as "scrimshaw," by which designs were etched on bone. Neither a valid "foreign export permit" or valid "import permit" from the United States Fish and Wildlife Service ("USFWS") was issued for these imports.

10. Defendant SAUNDERS sold or assisted in the sale of whale teeth for more than \$200,000 in the aggregate.

CRIMINAL VIOLATIONS

COUNT ONE: (16 U.S.C. §§3372(a)(1) & 3373(d)(2) – Illegal Trade of Wildlife)

11. The allegations contained in paragraphs 1 through 10 of this Information are realleged as though fully set forth herein.

12. On or about August 23, 2003, in the Northern District of California and elsewhere, the defendant,

JAMES SAUNDERS,

did knowingly import, transport, receive, and acquire, with the intent to sell, wildlife, that is, the body parts of the mammal *Physeter macrocephalus*, commonly known as the Sperm whale, in the form of thirty (30) Sperm whale teeth, taken, possessed, transported, or sold in violation of a law, treaty, and regulation of the United States, that is, the

1 Convention on International Trade in Endangered Species of Wild Fauna and Flora
2 ("CITES"), 50 C.F.R. §23, in violation of Title 16, United States Code, Sections
3 3372(a)(1) and 3373(d)(2).

4 COUNT TWO: (16 U.S.C. §§1538(a)(1)(E) and 1540(b)(1)– Endangered Species Act)

5 13. The allegations contained in paragraphs 1 through 10 of this Information are
6 realleged as though fully set forth herein.

7 14. On or about August 23, 2003, in the Northern District of California and elsewhere,
8 the defendant,

9 JAMES SAUNDERS,

10 did knowingly receive, carry, transport, and ship in foreign commerce and in the course of
11 commercial activity a threatened species of wildlife, that is, the body parts of an
12 endangered species of wildlife, that is, the mammal *Physeter macrocephalus*, commonly
13 known as a Sperm whale, in the form of thirty (30) Sperm whale teeth, in violation of
14 Title 16 United States Code, Sections 1538(a)(1)(E) and 1540(b)(1).

15 COUNT THREE: (16 U.S.C. §§3372(a)(1) & 3373(d)(2) – Illegal Trade of Wildlife)

16 15. The allegations contained in paragraphs 1 through 10 of this Information are
17 realleged as though fully set forth herein.

18 16. On or about September 25, 2003, in the Northern District of California and
19 elsewhere, the defendant,

20 JAMES SAUNDERS,

21 did knowingly import, transport, receive, and acquire, with the intent to sell, wildlife, that
22 is, the body parts of the mammal *Physeter macrocephalus*, commonly known as the
23 Sperm whale, in the form of seventeen (17) pounds of Sperm whale teeth, taken,
24 possessed, transported, or sold in violation of a law, treaty, and regulation of the United
25 States, that is, the Convention on International Trade in Endangered Species of Wild
26 Fauna and Flora ("CITES"), 50 C.F.R. §23, in violation of Title 16, United States Code,
27 Sections 3372(a)(1) and 3373(d)(2).

28 ///

1 COUNT FOUR: (16 U.S.C. §§1538(a)(1)(E) and 1540(b)(1)– Endangered Species Act)

2 17. The allegations contained in paragraphs 1 through 10 of this Information are
3 realleged as though fully set forth herein.

4 18. On or about September 25, 2003, in the Northern District of California and
5 elsewhere, the defendant,

6 JAMES SAUNDERS,

7 did knowingly receive, carry, transport, and ship in foreign commerce and in the course of
8 commercial activity a threatened species of wildlife, that is, the body parts of an
9 endangered species of wildlife, that is, the mammal *Physeter macrocephalus*, commonly
10 known as a Sperm whale, in the form of seventeen (17) pounds of Sperm whale teeth, in
11 violation of Title 16 United States Code, Sections 1538(a)(1)(E) and 1540(b)(1).

12 COUNT FIVE: (16 U.S.C. §§3372(a)(1) & 3373(d)(2) – Illegal Trade of Wildlife)

13 19. The allegations contained in paragraphs 1 through 10 of this Information are
14 realleged as though fully set forth herein.

15 20. On or about February 24, 2004, in the Northern District of California and
16 elsewhere, the defendant,

17 JAMES SAUNDERS,

18 did knowingly import, transport, receive, and acquire, with the intent to sell, wildlife, that
19 is, the body parts of the mammal *Physeter macrocephalus*, commonly known as the
20 Sperm whale, in the form of five-hundred forty-eight (548) Sperm whale teeth, taken,
21 possessed, transported, or sold in violation of a law, treaty, and regulation of the United
22 States, that is, the Convention on International Trade in Endangered Species of Wild
23 Fauna and Flora (“CITES”), 50 C.F.R. §23, in violation of Title 16, United States Code,
24 Sections 3372(a)(1) and 3373(d)(2).

25 COUNT SIX: (16 U.S.C. §§1538(a)(1)(E) and 1540(b)(1)– Endangered Species Act)

26 21. The allegations contained in paragraphs 1 through 10 of this Information are
27 realleged as though fully set forth herein.

28 22. On or about February 24, 2004, in the Northern District of California and


elsewhere, the defendant,


JAMES SAUNDERS,

did knowingly receive, carry, transport, and ship in foreign commerce and in the course of commercial activity a threatened species of wildlife, that is, the body parts of an endangered species of wildlife, that is, the mammal *Physeter macrocephalus*, commonly known as a Sperm whale, in the form of five-hundred forty-eight (548) Sperm whale teeth, in violation of Title 16 United States Code, Sections 1538(a)(1)(E) and 1540(b)(1).

DATED: October 15, 2008.

JOSEPH P. RUSSONIELLO
United States Attorney


BRIAN J. STRETCH
Chief, Criminal Division

(Approved as to form: 
AUSA GEIS